

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Case No. 11-11269

Plaintiff,

Honorable John Corbett O'Meara

v.

PLUM CREEK CONDOMINIUM
ASSOCIATION and STEVE ABOUNA,

Defendants.

**ORDER GRANTING DEFENDANTS'
APRIL 28, 2011 MOTION TO DISMISS**

This matter came before the court on Defendants' April 28, 2011 motion to dismiss. Plaintiff Federal National Mortgage Association ("Fannie Mae") filed a response May 19, 2011. No reply brief was filed. Oral argument was heard June 16, 2011. For the reasons set forth below, the court will grant the motion.

Plaintiff Fannie Mae filed this complaint alleging slander of title under common law, slander of title under Michigan statute, and wrongful foreclosure. Plaintiff also seeks injunctive relief regarding payment of condominium association dues and assessments. Before reaching the merits of this case, the court must first determine whether it has federal subject matter jurisdiction.

Federal law allows Fannie Mae "to sue and be sued, and to complain and defend, in any court of competent jurisdiction, State or Federal." 12 U.S.C. § 1723a(a). In order for federal court to be deemed one of competent jurisdiction, courts have held that the amount in controversy must exceed \$75,000 as provided in 28 U.S.C. § 1332. See Federal Nat'l Mortg. Ass'n v. Sandoval, 2011 WL 976708 (E.D. Cal.).

In this case, Fannie Mae argues that the court should consider a prior foreclosure amount of \$83,000 as the amount in controversy. However, the most recent foreclosure sale conducted by defendant Plum Creek Condominium Association brought only \$10,490.32. The condominium lien against the subject unit for fees and legal services is for an additional \$2,028.83. Therefore, the amount in controversy is well below the statutory requirement; and this court lacks federal subject matter jurisdiction over the matter.

ORDER

It is hereby **ORDERED** that Defendants' April 28, 2011 motion to dismiss for lack of subject matter jurisdiction is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: June 20, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 20, 2011, using the ECF system.

s/William Barkholz
Case Manager